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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,423	03/01/2002	Josef Rabinovitz	RABIN#3	8167

7590 08/06/2003
W. Edward Johansen
11661 San Vicente Boulevard
Los Angeles, CA 90049

EXAMINER

LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,423

Applicant(s)

RABINOVITZ, JOSEF

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 3, 5, 6, and 8 are objected to because of the following informalities: with respect to claims 3, 5, 6, and 8, it appears applicant missed a space before the word "personality" in claim 3, line 3; claim 5, line 2; claim 6, line 2, and claim, 8 line 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Driscoll et al. (5247427). With respect to claims 1, 2, 4, and 7, Driscoll et al. teaches a peripheral computer enclosure (11) comprising a casing (13) having an open front (21) and a back, a plurality of slots (21-1) disposed inside said casing (13), a plurality of canisters (33-1-33-20) disposed in said slots (21-1), a plurality of storage devices wherein each of said storage devices is disposed in one of said canisters, a back plane (31) disposed wherein said peripheral computer enclosure (11) includes a controller cards (29-1, 29-2) that is connected to said back plane (31), wherein said controller card can be networked by a side riser card and four peripheral component-interconnect cards and wherein said peripheral component-interconnect cards are selected from a group consisting of com

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recitation that an element can perform a function is not a positive limitation but only requires that ability to so perform. It does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driscoll et al. as applied to claim 1 above, and further in view of Schultz et al.

(5995376). With respect to claims 3, 8, and 9, the apparatus of Driscoll et al. teaches the invention as set forth by claim 1 (see the above 102 rejection), however, Driscoll et al. lacks a teaching of the peripheral computer enclosure including a personality board that is connected to said back plane as claimed. The apparatus of Schultz et al. is relied upon for its teaching of a peripheral computer enclosure (102) including personality boards (160) that is connected to a back plane (see for example figure 8 and column 5 line 57 through column 6 line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Schultz et al into the apparatus of Driscoll et al to aid in selectively routing signals on the back plane to enable one of a plurality of connectors. With respect to claim 6, the

limitations following "can be", it has been held that the recitation that an element can perform a function is not a positive limitation but only requires that ability to so perform. It does not constitute a limitation in any patentable sense.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Driscoll et al. in view of Schultz et al. further in view of Lash et al. (6363450). With respect to claim 5, the apparatus of Driscoll et al. teaches the invention as set forth by claim 1 (see the above 102 rejection), however, Driscoll et al. lacks a teaching of the peripheral computer enclosure including a personality board that is connected to said back plane with a side riser card that provides two controller cards as claimed. The apparatus of Schultz et al. is relied upon for its teaching of a peripheral computer enclosure (102) including personality boards (160) that is connected to a back plane (see for example figure 8 and column 5 line 57 through column 6 line 3). The apparatus of Lash et al. is relied upon for its teaching of a side riser card (100). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Schultz et al. into the apparatus of Driscoll et al. to aid in selectively routing signals on the back plane to enable one of a plurality of connectors and the teachings of Lash et al. to increase the number of cards usable in the compact peripheral computer enclosure.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the enclosures of Sauer et al. (5816673), Gray et al. (5309323), and Roganti et al. (6188571). Any inquiry concerning this communication or

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earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Examiner
Art Unit 2835

A handwritten signature in cursive script, reading "Lisa Lea-Edmonds".

July 29, 2003